

**E/08/0617/B–Unauthorised construction of front wall and gate.
105b New Road, Ware, SG12 7BY**

Parish: WARE

Ward: WARE - CHRISTCHURCH

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised wall and gates.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The front wall and gate by reason of their siting and height are detrimental to the character and appearance of the Ware Conservation Area wherein the site is situated, contrary to policy BH6 of the East Herts Local Plan Second Review April 2007.

The wall by reason of its siting and height restricts visibility for vehicles entering and exiting the site. The wall is detrimental to the safety and convenience of highway users both on the adjacent footway and New Road, contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.

The gate by reason of its siting leads to vehicles obstructing New Road, whilst waiting to enter the site, which is prejudicial to the free flow of traffic on the highway and causes danger and obstruction to other road users contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located within the town boundary of Ware, to the north of the town centre.
- 1.2 The owners of the property have removed the original dwarf wall and hedge from the front of the dwelling that fronts the highway and replaced it with an unauthorised wall and gates to a height varying between 1.4 metres to 1.8 metres.

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- 1.3 Concern was raised with the Enforcement Team in December 2008 regarding the construction of the wall and gate over 1 metre in height and adjacent to a highway without the benefit of planning permission. A letter was sent to the owner on the 8th January 2009 stating that the new wall and gate required planning permission.
- 1.4 On the 29th January 2009, an application was submitted for the retention of the wall and gates and after due consideration the application was refused permission on the 25th March 2009 for the following reason;
1. The proposal by reason of its siting and height would be detrimental to the character and appearance of the Ware conservation Area wherein the site is situated, contrary to policy BH6 of the East Herts Local Plan Second Review April 2007.
 2. The wall by reason of its siting and height would restrict the visibility for vehicles entering and exiting the site. The proposal would thereby be detrimental to the safety and convenience of highway users both on the adjacent footway and New Road contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.
 3. The gate by reason of its siting will lead to vehicles obstructing New Road, whilst waiting to enter the site, which would be prejudicial to the free flow of traffic on the highway and cause danger and obstruction to other road users contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.
- 1.5 Photographs of the site will be available at the meeting.

2.0 Planning History

- 2.1 The recent relevant planning history is as follows: -

3/09/0140/FP	Front wall and Gates – retrospective.	Refused
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3.0 Policy

- 3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:-
- BH6 – New Developments in Conservation Areas
 - TR2 – Access to New developments.

4.0 Considerations

- 4.1 Policy BH6 refers to new developments within conservation areas and states that they should be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the general character and appearance of the area. The unauthorised wall appears intrusive in the locality and the gate is out of keeping with the character and appearance of the dwelling and street scene. The wall appears prominent and alien within the street on the elevated hill approach and out of keeping and detrimental to the Conservation Area.
- 4.2 Policy TR2 refers to access to developments and states that new development should be assessed against the design guide of the local highway authority. Highway regulations require that any gates are set back between 5.5m or 6.0m from the highway to allow a vehicle to pull in and be clear of the highway prior to gates being opened. As the gate is sited level with the boundary wall and adjacent to the public footpath, any vehicle entering the site is required to stop on the highway and block it to other users while the gate is opened. The walls, being over 1m in height, restrict visibility for vehicles emerging from the site which is detrimental to pedestrian and highway safety.
- 4.3 County Highways have confirmed that the unauthorised walls and gates restrict visibility for and of emerging vehicles and are detrimental to highway safety. They consider that any front boundary wall would need to be no more than 600mm in height, above the footway level, for the first 1.8m measured from the gated entrance in order to overcome these objections.

5.0 Recommendation

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised wall and gates.